

Notice of Allowability

Application No.

10/565,544

Examiner

Mark W. Bockelman

Applicant(s)

HAROLD, THOMAS W.

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 3-5-2007.
2. ☒ The allowed claim(s) is/are 30-55.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 5-14-2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Mark Bockelman
Mark Bockelman
Primary Examiner
Art Unit 3766

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr Richard Stemkovski on May 14, 2007.

The application has been amended as follows:

Claims 26-29 are cancelled

New claims 30 - 55 are added as follows:

30. (New) A non-invasive ocular therapy for vision disorders comprising:

- a. positioning a first electrode on or proximate to an eyelid of a subject;
- b. positioning a second electrode on the subject; and
- c. generating an electric current between said electrodes of between 1-800 microamps wherein the electrical current is generated at multiple frequencies and modulated with a carrier signal in a range of about 10,000 hertz to less than 12,000 hertz.

31. (New) The therapy of claim 30 wherein said electrical current is generated at about 292 hertz for about one minute.

Art Unit: 3766

32. (New) The therapy of claim 30 wherein said electrical current is generated at about 8-9 hertz for at least seven minutes.

33. (New) The therapy of claim 30 wherein said electrical current is generated at about 0.15-0.3 hertz for at least seven minutes.

34. (New) A non-invasive ocular therapy for vision disorders comprising:

a. positioning a first electrode on or proximate to an eyelid of a subject;

b. positioning a second electrode to on the subject; and

c. generating an electrical current between said electrodes of between 1-800 microamps wherein said electrical current is generated at a selected frequency profile of multiple frequencies and modulated with a carrier signal of about 10,000 hertz to less than 12,000 hertz.

35. (New) The therapy of claim 34 wherein said frequency profile comprises about 292 hertz for about one minute, about 31 hertz for about 2 minutes, about 8-9 hertz for at least seven minutes, and about 0.15 - 0.3 hertz for at least seven minutes.

36. (New) The therapy of claim 30 wherein said carrier signal is modulated on and off.

37. (New) The therapy of claim 36 wherein said carrier signal is inverted by reversing a polarity thereof at said electrodes.

38. (New) The therapy of claim 37 wherein said carrier signal is inverted about every .05 seconds.

39. (New) The therapy of claim 30 further comprising the application of light energy to the eye of the subject at a power density of up to about 4.5 joules per centimeter squared.

40. (New) The therapy of claim 39 wherein said light energy has an optical power of about 5 milliwatts per centimeter squared.

41. (New) The therapy of claim 40 wherein said light energy is applied at a frequency of about 145 hertz for up to about 15 minutes.

42. (New) The therapy of claim 41 wherein said light energy is characterized by wavelength ranges of about 450-500 nanometers, 520-570 nanometers, 565-590 nanometers or 625-740 nanometers.

43. (New) The therapy of claim 42 wherein applying said light energy is conducted upon each eye of the subject sequentially characterized by first and second wavelength ranges.

44. (New) The therapy of claim 43 wherein said first wavelength range is 450-500 nanometers.

45. (New) The therapy of claim 44 wherein said second wavelength range comprises about 520-570 nanometers.

46. (New) The therapy of claim 43 wherein said first wavelength range comprises about 520-570 nanometers.

47. (New) The therapy of claim 46 wherein said second wavelength range comprises about 450-500 nanometers.

48. (New) The therapy of claim 43 wherein said first wavelength range comprises about 565-590 nanometers.

49. (New) The therapy of claim 48 wherein said second wavelength range comprises about 625-740 nanometers.

Art Unit: 3766

50. (New) The therapy of claim 43 wherein said first wavelength range comprises about 625-740 nanometers.

51. (New) The therapy of claim 50 wherein said second wavelength range comprises about 565-590 nanometers.

52. (New) The therapy of claim 30 further comprising the application of infrasonic sound waves directly into eyes of the subject.

53. (New) The therapy of claim 52 wherein said infrasonic sound waves are characterized by frequencies from about 8-14 hertz.

54. (New) The therapy of claim 34 further comprising the application of infrasonic sound waves directly into the eyes of the subject.

55. (New) The therapy of claim 54 wherein said infrasonic sound waves are characterized by frequencies from about 8-14 hertz.

The following is an examiner's statement of reasons for allowance: The examiner's amendment above was suggested by the examiner and accepted by applicant to better cover applicant's invention.

Art Unit: 3766

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark W. Bockelman whose telephone number is (571) 272-4941. The examiner can normally be reached on Monday - Friday 10:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Layno can be reached at 571 - 272 -4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWB

May 14, 2007


MARK BOCKELMAN
PRIMARY EXAMINER